

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**REGULAR MEETING MINUTES**  
**JUNE 23, 2022, 1:30 P.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Tuesday, November 23, 2021, at 3:36 p.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

**MINUTES OF THE JUNE 23, 2022, REGULAR BUSINESS MEETING OF THE**  
**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 1<sup>st</sup> floor, Oklahoma City, Oklahoma, on June 23, 2022.

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Others Present: Alexander Watkins, WCC; Lauren Hammonds Johnson, WCC; Andrea Delling, WCC; James Lawson, WCC; Collin Fowler, WCC; Ian Steedman, WCC; Tava Jones, WCC; and Cindy Sims, Metropolitan Health Care Self Insured Group.

Chairman Russell expressed appreciation for those in attendance. After the roll was taken, Chairman Russell found a quorum present and called the meeting to order at 1:30 p.m.

**1. Discussion and Possible Action to Approve Minutes**

The drafted minutes of the June 7, 2022, Special Meeting of the Commission will be considered for approval.

***Motion:*** Commissioner Tilly moved to approve the drafted minutes of June 7, 2022, Special Meeting of the Commission.

***Second:*** Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

***The motion carried.***

**2. Discussion and Possible Action of Consent Agenda to Approve Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to the meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

*Motion:* Commissioner Biggs moved to approve the travel vouchers.

*Second:* Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**3. Discussion and Possible Action to Approve Independent Medical Examiners and Case Managers for the Commission**

Title 85A O.S. § 112 requires the Workers’ Compensation Commission to create, maintain, and review a list of licensed physicians who shall serve as independent medical examiners (“IMEs”). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured employees. Additionally, Section 113 requires the Commission to develop, maintain, and review a list of qualified case managers. The period of qualification for both physicians and case managers shall be two years.

The Commission considered approving the list of physicians and case managers presented at the meeting that have been vetted and recommended for approval by the Executive Director.

*Motion:* Commissioner Tilly moved to approve the list of IMEs and Case Managers.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**4. Discussion and Possible Action to Reduce Security Deposit for Jackson County Memorial Hospital, Former Own Risk Permit #14970**

Jackson County Memorial Hospital (“the Company”), former own risk permit #14970, was a self-insured employer in the Own Risk program until July 1, 2015. The Company has petitioned the Commission to reduce the Company's security deposit on file. The Commission held a \$150,000 Letter of Credit, issued by Shamrock Bank, N.A. as security deposit. They requested a reduction of their security deposit to \$100,000. They had an outstanding reserve balance of \$49,278.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered question of the Commission.

***Motion:*** Commissioner Biggs moved to accept the recommendation of Director Lawson for Jackson County Memorial Hospital, to reduce the security deposit for the Company to \$100,000.

***Second:*** Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

***The motion carried.***

**5. Discussion and Possible Action to Approve the Distribution of Surplus Monies to Members of the Metropolitan Health Care Self Insured Group (#75220)**

Rule 810:25-11-10 of the Workers’ Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Metropolitan Health Care Self Insured Group (“the Group”) requested to make a partial distribution in the amount of \$368,256. The distribution is payable from the following seven fiscal fund years ending on September 30<sup>th</sup>: FY 14 (\$52,608), FY 15 (\$52,608), FY 16 (\$52,608), FY 17 (\$52,608), FY 18 (\$52,608), FY 19 (\$52,608), and FY 20 (\$52,608).

The Group submitted the most recent audited financial statements and actuarial review of reserves, both as of September 30, 2021, as part of their request.

James Lawson was recognized, presented, and answered questions of the Commission.

***Motion:*** Commissioner Biggs moved to approve partial distribution as recommended by Director Lawson.

*Second:* Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**6. Discussion and Possible Action to Reduce Security Deposit for Masco Corporation, Own Risk Permit #12397**

Masco Corporation (“the Company”), own risk permit #12397, was a self-insured employer in the Own Risk program until June 30, 2016. They petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$865,000 Surety Bond, issued by Liberty Mutual Insurance Company as security deposit. They requested a reduction of their security deposit to \$810,000. The company had two outstanding claims totaling \$809,586.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Tilly moved to accept the recommendation of Director Lawson for Masco Corporation, to reduce the security deposit for the Company to \$810,000.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**7. Discussion and Possible Action to Reduce Security Deposit for Miller Truck Lines, Current Own Risk Permit #19583**

Miller Truck Lines (“the Company”), has a self-insured permit with the Commission. The Company petitioned the Commission to reduce the Company's security deposit on file. The Commission held a \$470,000 Letter of Credit, as security deposit. They requested a reduction of their security deposit to \$100,000. The outstanding loss reserves total is \$10,470.68.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Biggs moved to accept the recommendation of Director Lawson for Miller Truck Lines, to reduce the security deposit for the Company to \$100,000.

*Second:* Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**8. Discussion and Possible Action to Approve Application to the Governmental Technology Applications Review Board for the Collection of Certain Online Fees**

Title 60 O.S. § 34.25 provides that state agencies may obtain reimbursement of a merchant fee in connection with any electronic or online transaction and/or a convenience fee for a manual transaction. The State Governmental Technology Applications Review Board is tasked by statute with reviewing and approving agencies' fee applications.

Andrea Delling was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Tilly moved to approve the application.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**9. Discussion and Possible Action to Approve Workers' Compensation Commission Forms, and to Set the Effective Date:**

- a. Copier Request Form
- b. Request for Prior Claims File Information Form

Lauren Hammonds Johnson was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Tilly moved to approve modifications of the forms with an effective date of July 1, 2022.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**10. Discussion and Possible Approval of Contract for Fall Semester Interns from the Cristo Rey Work Study Program (“CWSP”)**

The Commission discussed and considered approval of the CWSP contract to hire one student team of four students for the fall 2022 semester in the amount of \$17,000.

Hopper Smith was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Biggs moved to approve the contract for six months.

*Second:* Commissioner Tilly

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**11. Discussion and Possible Action to Approve Application for Appointment as Certified Workers’ Compensation Mediator**

Title 85A O.S. § 110 tasks the Commission with certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicant meets the qualifications as required by the Commission in Section 110.

The Commission considered the certified mediator application presented at the meeting, which has been vetted by the Legal Operations Director and recommended for approval.

Ian Steedman was recognized, presented, and answered questions of the Commission.

*Motion:* Commissioner Tilly moved to approve the certified mediator application.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**12. Discussion and Possible Approval of Commission’s 2021 Annual Report**

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year the Commission shall prepare, make public, and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature. The report shall contain a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total workload data of the administrative law judges, including a detailed report of the work load

and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report.

Commissioner Biggs presented and answered questions of the Commission.

*Motion:* Commissioner Tilly moved to approve the annual report.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

### **13. New Business**

There was no new business.

**ADJOURNMENT.....Chairman Jordan Russell**

*Motion:* Commissioner Tilly moved to adjourn.

*Second:* Commissioner Biggs

Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

*The motion carried.*

**The meeting adjourned at 1:51 p.m.**